

1 **FILED**
2 99 NOV -8 PM 2:07
3 LANCE S. WILSON
4 CLERK
5 JIMMIE DAVIS,
6 DEPUTY
7 petitioner,
8 vs
9 JOHN IGNACIO et al.,
10 Respondents.

UNITED STATES DIST COURT
DISTRICT OF NEVADA

CIVIL-N-99-137-ECR(VPC)
Formerly CV-N-99-137-ECR(PMA)

APPLICATION FOR
CERTIFICATE OF APPEALABILITY

11 COMES NOW, Petitioner JIMMIE DAVIS, in pro per, and
12 respectfully moves this Honorable Court for the issuance
13 of a certificate of appealability in the above-entitled
14 CASE. THIS Application is made pursuant to the pro-
15 visions of Rule 22 (B), FRAP and 28 U.S.C. 2253 (c).

16 Petitioner received an order of the court on
17 the third day of November, dated NOVEMBER 1, 1999 re-
18 assigning petitioners petition to another Judge. Rule 22
19 (B) 1 STATES in part that IF an applicant files a
20 Notice of appeal, the district judge who rendered the
21 judgment must either issue a certificate of
22 appealability or state why a certificate should not
23 issue.

24 Petitioner now submits this application for
25 certificate of appealability asking the court to issue
26 the certificate. Petitioner hopes and prays that
27 he has not been barred procedurally since the
28 Judge has been changed while waiting on his

1 decision since he will no longer have the original judge
2 to issue said decision.

3 Respectfully submitted herewith all other
4 papers, pleadings and documents on file herein.

5 DATED this 4 day of November, 1999.

6
7 Respectfully Submitted
8

9 Jimmie Davis

10 Jimmie Davis #7362
11 P.O. Box 607
12 CARSON CITY NEVADA
13 89702

14
15 Petitioner-in Pro per

16 CERTIFICATE OF SERVICE

17 THE undersigned hereby certify that A TRUE AND
18 CORRECT COPY OF THE FOREGOING APPLICATION FOR CERTI-
19 FICATE OF APPEALABILITY was deposited in the legal
20 MAIL SYSTEM at the NEVADA STATE PRISON ON THIS 4
21 DAY OF NOVEMBER 1999 FOR MAILING TO:

22 1030
23 OFFICE OF THE ATTORNEY GENERAL
24 555 E. WASHINGTON AVE, SUITE 3900
25 LAS VEGAS NEVADA 89101

26 ATTORNEY FOR RESPONDENT

27 CLERK U.S. DISTRICT COURT
28 DISTRICT OF NEVADA
400 SOUTH VIRGINIA ST., ROOM 301
KENO, NEVADA 89501